

November 21, 2019

VIA ECF

Honorable Ronnie Abrams  
United States District Court  
Southern District of New York  
40 Foley Square, Room 2203  
New York, New York 10007

<b>USDC-SDNY</b>	<b>Kennedys</b>
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**MEMO ENDORSED**

Re: *NY Custom Interior Millwork Corp. v. Pennsylvania Lumbermens Mutual Insurance Company*  
Docket No.: 1:19-cv-10086-RA

Dear Judge Abrams:

We represent defendant Pennsylvania Lumbermens Mutual Insurance Company ("PALMIC") in this action. The Order and Notice of Initial Conference entered by Your Honor on October 31, 2019 requires all parties to appear for an initial status conference on December 6, 2019 and jointly submit both a pre-conference letter and proposed case management plan and scheduling order by November 29, 2019. (ECF #3.) Pursuant to Your Honor's Individual Rules and Practices, PALMIC hereby submits this letter-motion to adjourn the initial status conference and deadline for joint submissions.

Plaintiff commenced this action with the filing of its Summons with Notice in New York state court on October 27, 2019. (ECF #1 at Ex. 1.) PALMIC filed its Answer to Summons with Notice on October 30, 2019 and removed the action to the Southern District of New York the same day. (Id. at Ex. 3 and Ex. 4.) On November 6, 2019, we emailed Helen Gavaris, Esq., plaintiff's counsel of record in the state action, requesting that she accept electronic service of Your Honor's October 31, 2019 Order and Notice of Initial Conference on behalf of plaintiff. Ms. Gavaris advised that her firm will not be representing plaintiff in the removed action. (Ex. A, Email Correspondence.) Accordingly, the Order and Notice of Initial Conference was personally served upon Plaintiff on November 8, 2019. (ECF #6.)

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Honorable Ronnie Abrams

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To date, Plaintiff has not made an appearance in the removed action. Plaintiff also has not filed a Complaint setting forth her claims. Consequently, PALMIC is unable to confer with plaintiff regarding the requisite pre-conference submissions or address plaintiff's claims which have yet to be articulated. Accordingly, PALMIC respectfully requests that the initial status conference be adjourned to January 10, 2020, with pre-conference submissions due on January 3, 2020. The requested extension should allow plaintiff sufficient time to make an appearance, file its Complaint, and for the parties to confer and file the requisite pre-conference submissions in light of the approaching holiday season.

There have been no prior adjournment requests in this matter. We are unable to obtain plaintiff's consent as it has not made an appearance and prior counsel does not represent plaintiff with respect to the removed action.

Pursuant to Your Honor's Individual Rules and Practices, a proposed Order and Notice of Initial Conference is submitted herewith.


Respectfully submitted,



Kristin Gallagher  
Partner  
for Kennedys

The initial status conference scheduled for December 6, 2019 is hereby adjourned to January 10, 2020 at 12:30 p.m. The parties shall submit their joint letter and proposed case management plan and scheduling order no later than January 3, 2020. Counsel for Plaintiff shall file a notice of appearance in this action no later than December 20, 2019.

SO ORDERED.



Hon. Ronnie Abrams  
11/22/2019